

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No.652 of 1995

**

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 : NO

KASHYAP CHANDULAL DHOLAKIA

Versus

STATE OF GUJARAT & 1

Appearance:

MR SURESH M SHAH for Petitioner
Mukesh C. Patel, ASSTT. GOVERNMENT PLEADER for
Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 07/11/98

ORAL JUDGEMENT :

Shri Mehul M. Shah for the petitioner.

Shri Mukesh C. Patel for the respondents.

Heard the learned counsel for the parties. Under the impugned order the learned trial court directed the plaintiff to pay Rs.185/- towards court fee, which is assessed under the provisions of sec.6 (IV)(J) of the

Bombay Court Fees Act read with Article 7(1). Out of which the plaintiff had paid already Rs.30/-. Therefore, a direction was given to the plaintiff to pay the balance amount of Rs.155/-.

2. In view of the fact that under the impugned order the plaintiff has to pay the court fees of Rs.155/- only, which is a small and meagre sum and in case this order is allowed to stand it will not occasion any failure of justice nor will cause any irreparable injury to the petitioner/ plaintiff, no interference of this Court is called for under sec.115 of the Code of Civil Procedure in the matter. However, it is made clear that the decision of this Court may not be taken as if the order impugned in this Revision Application has been affirmed by this Court on merits, in other cases. The Civil Revision Application is dismissed. Rule is discharged. No order as to costs.

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